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JOHN B. MURRAY, Chief-Legal.

WEDNESDAY, DECEMBER 4, 1867.

## Governor's Message

Governor of the Senate and House of Representatives

Time with us is so short—so sparingly given us for our country's welfare, that we must make the best use of it. I have, therefore, given every effort to my power to secure the welfare of the people with the sole trust of legislating for their welfare. I do so, however, under circumstances of sadness and sometimes of despair.

An exciting discussion of the last few days has interested us all in the reconstruction question, is masterly, and the rest is not, being sparingly more patchwork, summed up in the several heads of Department. The whole strength of the nation lies in the first part. It is the reverse or course of a kangaroo. It is the present and the past, predecessor, and a ten per cent. increase in the wealth of the country, which Nebuchadnezzar believed in the dream that it mysteriously slipped out of his memory. The head is of fine gold, while the opposite extremities are of iron and clay. However, we will not presume to judge for our readers. Let them judge for themselves. Two or three points challenge notice, but we have no room to notice them this morning.

THE GOVERNOR'S MESSAGE.—In the Journal of this morning we lay before our readers the annual message of Governor Stevenson. The message speaks for itself, and what it says for itself we will repeat in saying that it is eminently able, statesmanlike, and patriotic. It is sound. It is sound in doctrine, sound in policy, and sound in sentiment. It is thoroughly sound. And it is as lucid and cogent as it is sound. Moreover, it is vigorous and eloquent in expression. It is indeed very admirable throughout.

The message presents the condition of the Commonwealth, including her relations to the general government, with remarkable clearness; and with judicious forbearance recommends to the consideration of the General Assembly no measures but those of uncontested expediency. This we deem especially commendable.

The present is certainly not a time for measures of doubtful expediency, and Governor Stevenson, we think, does well in omitting not merely to recommend but even to touch upon such measures. We hope that his discretion will be generally imitated, let not the apple of discord which he receives from throwing into the assembly be introduced by anybody else.

In the foregoing remark, it is hardly necessary to say, we do not allude to the question of State aid to railroads; though, on referring to the Constitution of the State, a very intelligible if not satisfactory explanation of the reticence of the message on this point will be suggested.

"The credit of this Commonwealth," says the Constitution, "shall never be given or loaned in aid of any person, association, municipality, or corporation."

This explicit provision, which was not in our mind when we touched upon the question the other day, cuts off the particular mode of State aid which is generally favored by the advocates of the policy, leaving only some mode or other which involves increased taxation. Now, whether increased taxation for this purpose at this time is expedient or inexpedient is at least a debatable question. Governor Stevenson, we may presume, is not convinced of the wisdom of the step. And it must be owned that there is much in the present and future aspect of our affairs to justify his doubt.

The federal relations of the Commonwealth are handled in the message with equal ability and in most excellent spirit.

The true principles of the government are propounded with singular force; and with equal care are expounded. They are laid down in as simple and forcible language as the shrewdest orator could use.

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## PRESIDENT'S MESSAGE.

Fellow citizens of the Senate and House of Representatives:

The continued organization of the Union, to which the President has so often called the attention of Congress, is yet a subject of anxiety to us all. We may, however, find some relief from that anxiety in the reflection that the painful political situation, although foreseen by ourselves, is not now in the power of any other. Political science, perhaps as highly perfected in our own time and country as any other, has not yet disclosed any means by which civil wars can be absolutely prevented.

The Constitution of the United States, and the Federal Constitution of free government, may diminish their frequency and mitigate their severity, by directing all its proceedings in accordance with its fundamental principles. A civil war has been known to a close, especially the first instant and duty of the States to repair the injuries which the war has inflicted, and to secure the benefit of the lessons it teaches as fully and as speedily as possible. The war, upon the institution of the rebellion, was accepted, not only by the Executive Department, but by the insurrectionary States themselves, and restoration in the first moment of peace was believed to be a safe and easy expedient.

On the 1st day of July, 1861, Congress declared, by an almost unanimous vote of both Houses, that the war should be conducted solely for the purpose of preserving the Union and maintaining the integrity of the Federal Government, and laws without impairing the dignity, equality, and rights of the States or of individuals, and that when this was done the war should cease. I do not say that these declarations of a personal character were not made in language, in any sense, but individual members of Congress are personally bound to pay a public debt created by a law which they themselves passed, not only by the Executive Department, but by the insurrectionary States themselves, and restoration in the first moment of peace was believed to be a safe and easy expedient, however, then as now, was and is constantly entertained, were disappointed by legislation from which I felt constrained by my obligations to the Constitution.

It is therefore a source of profound regret that in complying with the obligation imposed upon the President by the Constitution, to "give to Congress, from time to time, information of the state of the Union," he has, in his annual message, and in his speech to the Senate, omitted any statement of the extremity of our peril, violation of it now, in the day of our power, and safety in our hands.

The peculiar qualities which should characterize the at this time there is no union, as our fathers understood the term, and it is to be understood by us. The Union which they established can exist only where all the States are represented, and where each State, as one State, is as free as any other to regulate its internal concerns according to its own will, and where the laws of the Central Government, strictly confined to matters of common defense, and which apply to all the people of every section. That such is not the present state of the Union is a melancholy fact, and we all must acknowledge that the restoration of the Union, as it was before the rebellion, with the Federal Government, and with one another, according to the terms of the original compact, would be the greatest temporal blessing which God in his kindess could confer upon our country. It becomes an imperative duty to consider whether or not it is impossible to effect this most desirable consummation.

The Union and the Constitution are inseparable. As long as one is obeyed by all the other, they will be preserved, and if ever they are separated, they will perish. The destruction of the Constitution will be followed by other still greater calamities. It was ordained not only "to form a more perfect Union" between the States, but to "establish justice, to insure domestic tranquility, to provide for the common defense, to promote the general welfare, and to secure the blessings of liberty to ourselves and our posterity." Nothing but implicit obedience to these requirements is at all compatible with these great ends. Without that obedience we can look forward only to continual outrages upon individual rights, incessant breaches of the public peace, national weakness, and final desolation, the total loss of our property, political corruption, of morals, and the final extinction of popular freedom.

To save our country from evils so appalling as these we should renew our efforts, and, as far as possible, postpone the measures of restoration as perfectly plan and simple. It consists merely in a faithful application of the Constitution and laws. The execution of the laws is not now obstructed by any military or other necessary, real or pretended, which can prevent obedience to the Constitution, either North or South. All the rights and all the obligations of the South can be perfectly consistent with the fundamental law. The Constitution commands that republican form of government shall be guaranteed to all the States, that no person shall be deprived of his life, liberty, or property, without due process of law, arrested without a judicial warrant, or punished without a trial before an impartial jury. That the privilege of habeas corpus shall not be denied or suspended, and that no writ of attainer shall be issued against a single individual. These convictions are not only uncharitable but strengthen the rebellion. The transient importance of the subject will be easily seen from the following consideration. The Constitution is the only obstacle that can exist to the restoration of the Union.

On the momentous occasion of some of the measures growing out of it, I have had the misfortune to differ from Congress, and have expressed my convictions with entire frankness, but have become determined that it shall be disregarded and violated. The more naked it is of this Government, or of some one or more of its parts, the only obstacle that can exist to the restoration of the Union.

There is, therefore, reason why the Constitution should not be obeyed, unless those who have it are compelled to determine that it shall be disregarded and violated. The more naked it is of this Government, or of some one or more of its parts, the only obstacle that can exist to the restoration of the Union.

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It is clear to my apprehension that the States lately in rebellion are still members of the national Union. When did they cease to be? The only measure of necessity adopted by a portion, or most of them, is a very small portion, of their citizens, were mere nullities. If we admit now that they were valid and effectual, and that they were not, then, in our own eyes, we sweep from under our feet the whole ground upon which we justified the war.

Were those States afterward expelled from the Union by war? The recognition was given by the Government to be its purpose, and was so understood by all those who gave their blood and treasure to aid in its prosecution. It cannot be that a successful war, waged for the preservation of the Union, had the legal effect of dissolving it.

The victory of the nation's arms was not the disgrace of the rebellion. The defeat and dispersion on the battlefield was not the disgrace of the nation's cause. Nor could Congress, with or without the consent of the Executive, do anything which would have the effect, directly or indirectly, of separating the States from the Union. The rebellion was the effort to repeal the Constitution which holds it together, and that is a power which does not belong to any department of this Government, or to all of them united.

The rebellion has, however, acknowledged by all branches of the Federal Government. The Executive (my predecessor) as well as myself and the heads of the Departments, have only acted in accordance with the fact that the Union is only now dissolved. Congress submitted an amendment of the Constitution to be ratified by the Southern States, and accepted the act as a fact, as a necessary and final step to the trial of their cause.

If they were not States, or were States out of the Union, their consent to a change in the fundamental law of the Union would be required, and Congress, in making its committee report, abstained. The judiciary has also given the solemn sanction of its authority to the same view of the case. The Judges of the Supreme Court have included the Southern States in their decisions, and are constantly to be seen elsewhere exercising jurisdiction which does not belong to them unless those States are States of the Union.

The Southern States are component parts of the Federal Constitution is the supreme law for them as it is for all the other States. They had to obey it, and so we are. The Federal Government, which is clear and unquestionable, is not so for them. This, however, implies the correlative obligation on our part to observe its limitations and execute its guarantees. Without the Constitution we are nothing. By, through, and under it, we are all. It is the law of our maker. We may not approve of its provisions; but we cannot violate it merely because it seems to confine our powers

within limits, and we then would seek not it as a restraint, or as a loss of power, but as a means of protection and distinction, so that a number of white citizens will be the form of the Constitution with the other. The Southern States, with the exception of those who have and have in it, we must give it at least the full credit of public servants, who act under sole-powers, and commands which they do not dare to give up.

The Constitutional duty is not the only one which requires the States to be served. There is another consideration, which, though of minor importance, is of great weight. It is the protection of the negro, who is the people of the South.

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